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**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health and Addiction Services v.

Marjorie Murphy, R.N.

Registered Nurse License No. R46758

193 Cherry Brook Road

Canton Center, Connecticut 06020

CASE PETITION NO. 940405-10-038

**MEMORANDUM OF DECISION**

**INTRODUCTION**

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Statement of Charges dated July 20, 1994 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Marjorie Murphy (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated December 7, 1994 scheduling a hearing for March 22, 1995 (Department Exhibit 1). The hearing took place on February 22, 1995 at the Department of Public Health and Addiction Services, Second Floor Hearing Room, 20 Trinity Street, Hartford, Connecticut.

During the hearing, the Department verbally amended the Statement of Charges Paragraph 3 by deleting reference to any time period prior to February 11, 1994. (Hearing Transcript, March 22, 1995, pp. 4-11)

During the hearing the Department and the Respondent stipulated to the Board rendering a decision in this matter by ordering probation of the Respondent's registered nurse license. Said decision would be based on a review by the Board of the documentary evidence presented during the hearing, thereby foregoing the presentation of oral testimony. (Hearing Transcript, March 22, 1995, pp. 7, 25)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's professional knowledge in evaluating the evidence.

### FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following Findings of Fact.

1. Marjorie Murphy, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R46758 on February 1, 1991 and was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1-E)
2. Pursuant to the General Statutes of Connecticut, §4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license. (Department Exhibit 1-A) (Hearing Transcript, March 22, 1995, p. 10)
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered by certified mail to the Respondent's address of record and to the Respondent's attorney.
4. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, March 22, 1995, p.2)
5. Beginning on or about October 1993 the Respondent was employed as a registered nurse at Newington Children's Hospital, Newington, Connecticut. (Department Exhibit 1-C)
6. That on or about February 11, 1994, while working as a registered nurse at Newington Children's Hospital, the Respondent diverted for her own use unused portions of the controlled substances Morphine and Demerol. (Department Exhibit 1-B)

7. That on or about February 11, 1994 the Respondent was found in possession of two (2) 1cc vials of Morphine Sulfate 10mg/cc and four (4) 1cc vials of Demerol 50mg/cc. (Department Exhibit 1-B)
8. That on or about February 11, 1994 while working as a registered nurse at Newington Children's Hospital, the Respondent falsified controlled substance proof of use records by indicating that she had discarded the unused portions of Morphine and Demerol which she, in fact, had diverted for her own use. (Department Exhibit 1-B)
9. That on February 11, 1994 the Respondent used to excess and/or abused controlled substances, including but not limited to Morphine and/or Demerol. (Answer: Respondent's Exhibit A-A)
10. That the Respondent is receiving treatment from a licensed psychiatrist and is participating in the employee assistance program at Hartford Hospital, Hartford, Connecticut. (Respondent's Exhibit A-J, A-K)

### **DISCUSSION AND CONCLUSIONS**

In consideration of the above Findings of Fact, the following conclusions are rendered:

Marjorie Murphy held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177 and §4-182.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Statement of Charges, PARAGRAPH 2 and PARAGRAPH 3 as amended, alleges:

- "2. On or about February 11, 1994, while working as a registered nurse at Newington Children's Hospital, Newington, Connecticut, respondent:
  - a. Diverted two (2) 1 cc vials of Morphine Sulfate 10 mm/cc and/or four (4) 1 cc vials of Demerol 50 mg/cc for her own use;
  - b. Falsified one or more controlled substance disposition records; and/or
  - c. Did not follow proper procedures regarding the discarding of controlled substances.
3. On February 11, 1994, respondent used to excess and/or abused controlled substances, including but not limited to Morphine and/or Demerol."

The Respondent admits these charges. (Answer: Respondent's Exhibit A)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals... (6) fraud or material deception in the course of professional services or activities...."

Based on its findings and the Respondent's admissions, the Board concludes that the Respondent's conduct as specified in the Statement of Charges, Paragraph 2 and Paragraph 3 as amended, is proven and is a violation of the General Statutes of Connecticut §20-99(2), (5) and (6). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut

#### ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraph 2 and Paragraph 3 of the Statement of Charges, as amended, the Respondent's registered nurse license, No. R46758, is placed on probation for a period of two (2) years.

2. If any of the following conditions of probation are not met, the Respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
  - A. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by her employer(s), within thirty (30) days of the date of employment, as to receipt of a copy of this Memorandum of Decision.
  - B. Should the Respondent change employment during the probationary period, she shall provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board, within thirty (30) days of the date of employment, as to receipt of a copy of this Memorandum of Decision.
  - C. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency and shall not be self-employed as a nurse during the period of her probation.
  - D. The Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor, if employed as a nurse, for the entire probationary period.
  - E. The employer reports cited in Paragraph D above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be issued to the Board at the address cited in Paragraph O below and shall commence with the report due September 1, 1995.
  - F. At her own expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist for the entire period of probation. The Respondent shall attend therapy sessions at least twice monthly during the entire probationary period.

- G. The Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.
- H. The Respondent shall cause monthly reports to be submitted to the Board by her therapist, commencing on September 1, 1995, for the entire probationary period.
- I. The therapist reports cited in Paragraph H above shall include documentation of dates of treatment, and an evaluation of the Respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be issued to the Board at the address cited in Paragraph O below.
- J. At her own expense the Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by her therapist, and/or personal physician, and/or the Board of Examiners for Nursing.

Random alcohol/drug screens shall be legally defensible in that chain of custody procedures must be followed throughout the screening process. The Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking. There must be at least two (2) random alcohol/drug screens monthly during the first year of the probationary period and at least one (1) random alcohol/drug screen monthly during the second year of the probationary period. Reports of said random alcohol/drug screens are due monthly commencing with reports due on September 1, 1995.

Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that the chain of custody procedure has been followed.

Random alcohol/drug screens must include testing for the following substances:

Amphetamines  
Barbiturates  
Benzodiazepines  
Cannabinoids (THC Metabolites)  
Cocaine  
Meperidine (Demerol)  
Methadone  
Methaqualone  
Opiates (Metabolites)  
Phencyclidine (PCP)  
Propoxyphene  
Ethanol (Alcohol)

Reports of random alcohol and drug screens shall be submitted directly to the Board, at the address cited in Paragraph O below, by the Respondent's therapist or personal physician or the testing laboratory.

- K. The Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications, and the Respondent shall not abuse and/or excessively use alcohol and/or drugs.
- L. The Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substances containing poppy seeds should be avoided during the probationary period.

In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.

- M. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- N. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.

O. All correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING  
Department of Public Health and Addiction Services  
150 Washington Street  
Hartford CT 06106

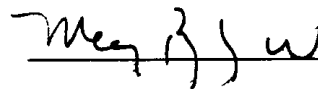
3. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order and will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut including, but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to Respondent's address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health and Addiction Services or the Connecticut Board of Examiners for Nursing.)
4. This Memorandum of Decision becomes effective and the two (2) year probation of the Respondent's registered nurse license shall commence on July 15, 1995.

The Board of Examiners for Nursing hereby informs the Respondent, Marjorie Murphy, and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 12th day of July, 1995.

BOARD OF EXAMINERS FOR NURSING

By



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